

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on January 30, 2001 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. William Crismore (R)
Sen. Jon Ellingson (D)
Sen. Eve Franklin (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Jon Tester (D)

Members Excused: Sen. Pete Ekegren (R)
Sen. Debbie Shea (D)

Members Absent: None

Staff Present: Roberta Opel, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 285, 1/26/2001;
HB 132, 1/26/2001

HEARING ON SB 285

Sponsor: SEN. WALTER MCNUTT, SD 50, Sidney

Proponents: Verle Rademacher, Private Land/Public Wildlife
Advisory Council (PL/PW)
Tom Hougen, PL/PW
John Gibson, Billings Rod & Gun Club
Lee Gustafson, PL/PW

Dave Simpson, PL/PW, FWP Commission
Bill Orsello, Montana Wildlife Federation

Brian Dunn, PL/PW _____

Jean Johnson, MT. Outfitter's & Guides Association
Jeff Hagener, Director, Fish, Wildlife & Parks (FWP)
Jeff Barber, MT. Wildlife Federation
Paige Dringman, MT. Landowner's Alliance
John Bloomquist, MT. Stockgrower's Association

Opponents: None

Opening Statement by Sponsor:

SEN. WALTER MCNUTT, SD 50, Sidney, presented SB 285 recommended by the Private Land/Public Wildlife Advisory Council (PL/PW) regarding block management. **EXHIBIT(fis24a01)** This Council was charged with numerous concerns related to block management including: to preserve Montana's hunting heritage, to provide public hunting access on private and isolated public land, to reduce landowner impact within public hunting access areas, to provide tangible incentives to landowners to allow public hunting, and to assist outfitter's in stabilizing their industry and improving their image.

Input for the PL/PW Report and Recommendation was received from many Montana citizens and hunters who said the program was good but needed expansion, **SEN. MCNUTT** noted.

Recommendations from the Council included an increase in the resident conservation license to \$20 for residents and \$10 for non-residents.

The Advisory Council determined revenue should be directed toward improving access to public land, increasing the number of cooperators and improving program management. A final recommendation included raising the non-resident waterfowl license.

Proponents' Testimony:

Tom Hougen, Chairman, PL/PW, stated the Council is comprised of sportsmen, landowners, **REP. PAUL CLARK, SEN. WALTER MCNUTT** and **Commissioner Dave Simpson**. Sportsmen want more ownership in this block management program and landowners would like the program to expand, he told the committee.

Verle Rademacher, PL/PW Council senior member, noted that SB 285 is an effort by the Council to offer additional funding (from

resident and non-resident hunters) to generate monies for improved access. The program was termed "a minor miracle" in landowner/sports-persons relations by former Gov. Marc Racicot and continues to be the leading cooperative block management venture in the country, he concluded.

John Gibson, Billings Rod & Gun Club member, represented the largest community-based club in Montana with 1250 family memberships. He testified it was time resident sportsmen became shareholders in this "minor miracle" program. A \$2 investment in the program (the cost of a roll of monofilament leader) is well-worthwhile, he added.

Although Montana's population has grown markedly over the past ten years, resident hunting licenses have decreased particularly in the younger population, **Mr. Gibson** explained. This downward trend is the result of hunter access issues, he said, with the main complaint continuing to be overuse of an area. Eighty percent of this overuse is by Montana sportsmen, he clarified.

Lee Gustafson, PL/PW, Billings, remarked that the biggest complaint from Montana hunters continues to be too much hunting pressure on existing Block Management Areas (BMA's).

Dave Simpson, PL/PW, Hardin, FWP Commissioner, commented that access continues to be a key hunting issue in eastern Montana. SB 285 will address the needs identified by the PL/PW Advisory Council. Comments were received from over 500 resident (primarily) hunters who were interested in limitations for non-resident bird hunters as an aid to over-access issues.

Bill Orsello, Chairman, MWF Public Committee, said the bill would address impact to, and compensation for, landowner issues.

Bryan Dunn, PL/PW, Great Falls, noted that land access continues to be a crisis for Montana hunters. SB 285 would address these access concerns, in part, by adding one million additional acres of hunting land. Landowners, outfitters and all organized sportsmen groups, support this bill, **Mr. Dunn** said. Ideas for the bill coming from grassroots sportsmen rather than from government policy.

Jean Johnson, Executive Director, Montana Outfitter's & Guides Association, suggested the bill should have been passed two, perhaps four years ago. Beyond passage of the bill by the committee, she asked Senate Fish & Game members to visit with fellow members of the House Fish, Wildlife & Parks Committee.

{Tape : 1; Side : A}

Jeff Hagener, Director, FWP, noted that gaining, and maintaining, public hunting access to both private and isolated public lands remains one of the department's most difficult challenges. 95% of landowners consider their enrollment in the block management program to be positive, he emphasized. **EXHIBIT (fis24a02)**

Jeff Barber, representing MWF, offered "enthusiastic support" for the bill. Although the bill contains a fee increase, this fee would go directly back to Montana hunters and landowners, he explained.

Paige Dringman, representing MT. Landowner's Alliance, offered support for the bill but offered a conceptual amendment: public access through private property should be voluntary, she said. Current FWP statute does not reflect this access issue. She also spoke in support of the bill on behalf of **John Bloomquist who represented Montana Stockgrower's Association**.

SEN. SPRAGUE asked if the amendment had been written.

Paige Dringman replied that the amendment was conceptual but that she would begin working on it with both **Paul Sihler, FWP**, and **Mr. Hougen**.

SEN. BILL TASH offered to carry the amendment.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. SPRAGUE asked the sponsor if he was aware of the amendment.

SEN. MCNUTT replied that although he was unaware of this amendment, he felt the PL/PW Council would be in support.

SEN. SPRAGUE encouraged **Paige Dringman** to work on the amendment with the sponsor of the bill.

SEN. JON TESTER asked **SEN. MCNUTT** the number of members on the PL/PW Council.

SEN. MCNUTT answered that the Council was comprised of 15 managers including two outfitters, five or six landowners, five sportsmen, and a representative from the FWP Commission.

SEN. TESTER asked **SEN. MCNUTT** if Governor Martz would support this fee increase.

SEN. MCNUTT said Governor Martz supported the process and the proposals.

SEN. SPRAGUE asked to clarify this statement by explaining the difference between a fee increase, as reflected in SB 285, and a tax increase.

SEN. TESTER asked if revenue from the outfitter license would be one million dollars.

Mr. Hagener said an increase approved by the FWP Commission would bring in one million dollars during the current license season.

SEN. TESTER asked if there were monies in the endowment or would a portion of this money be used to establish an endowment.

SEN. MCNUTT replied FWP currently has a foundation.

SEN. TESTER asked if the majority of the money would be used for a cap increase.

Alan Charles, Block Management Coordinator, FWP, and staff liaison to PL/PW, discussed the cap increase. He stated the Council identified specific areas to equally direct 1.8 million dollars. The Council suggested that raising the cap would involve approximately 51 cooperators and require approximately \$200,000. The Council further stated that some revenue should be directed toward public hunting access.

The Council further recommended that approximately \$300,000 was needed to accomplish the goals of the block management program. Revenue should be directed toward improving program management and upland game bird access, they said, with remaining revenue directed toward cost-related inflation.

SEN. TESTER asked **SEN. MCNUTT** why an increase in the waterfowl license was not reflected in the bill as the increase was recommended by the PL/PW Advisory Council.

SEN. MCNUTT said SB 285 is specifically related to block management.

SEN. TESTER asked **Mr. Hagener** if money from an increase for nonresident waterfowl licenses would go into an account for migratory bird habitat.

Mr. Hagener said that was true.

SEN. TESTER said he had been told there was money in FWP accounts that was not being utilized. Why couldn't this money be rolled into an account for bird habitat, he asked **Mr. Hagener**.

Mr. Hagener clarified there were over 60 FWP accounts earmarked for specific projects. Their intent was that FWP would be working on the balances within each account by the end of the year. There may be a large balance in an account but that balance may be obligated, he clarified.

SEN. SPRAGUE asked **Jean Johnson, MT. Outfitter's & Guides**, if the bill had changed from the House to the Senate.

Jean Johnson remarked that the bill is the same but the players are different.

SEN. SPRAGUE stated the committee is striving to recognize the positive elements of FWP. Those in the guiding profession have ideas to keep the camaraderie going, he added.

Closing by Sponsor:

SEN. MCNUTT commented that participation on the Advisory Council had been enlightening as landowner's and sportsmen worked through their differences. The bill represents a \$2 assessment per resident hunter, he noted.

{Tape : 1; Side : B}

HEARING ON HB 132

Sponsor: REP. JOHN BRUEGGEMAN, HD 74, Polson

Proponents: Doug Monger, Administrator, Parks Division, FWP

Opponents: None

Opening Statement by Sponsor:

REP. BRUEGGEMAN, HB 132 was requested by FWP to extend the sunset on their Boat-In-Lieu Program. This program uses program revenue for boat infrastructure projects including dock maintenance and boat ramps, he said. The eight members of the Boating Advisory Council (BAC) oversee FWP distribution of the funds.

Proponents' Testimony:

Doug Monger, Administrator, Parks, FWP, submitted written testimony supporting HB 132. He discussed the need to raise the

boat decal fee from \$2.50 to \$5.00 to increase revenue for education, enforcement and to raise boating ethics awareness.

EXHIBIT (fis24a03)

Bob Gilbert, Walleyes Unlimited, representing 4,000 Montana members/boaters, said there is currently only one, state-owned facility on Fort Peck Lake.

Jeff Barber, Montana Wildlife Federation, rose in support of the bill although he expressed concern for the provision that allowed FWP to spend Boat-In-Lieu money wherever necessary. This would remove monies from regional distribution. The survey provision should be included in the bill, he said.

Ken Hoovestol, member of the Boating Advisory Council, told the committee that language within the bill would allow the BAC to accomplish their projects.

Opponents' Testimony:

None

Informational Testimony:

Missouri Headwaters State Park packets were distributed to the committee. **EXHIBIT (fis24a04)**

Questions from Committee Members and Responses:

SEN. JACK WELLS asked **Mr. Gilbert** how he believed boat owners felt about doubling boat decal fees.

Mr. Gilbert said the fee is small for the additional coverage. He said he had spoken to boat owners and testified about the cost of boat decals.

SEN. WELLS asked **REP. BRUEGGEMAN** how he felt about putting language back into the bill to include where an individual does the majority of his boating.

REP. BRUEGGEMAN said that concept did not pose any problems for him. He said there would be more flexibility when there were more projects.

SEN. WELLS asked **Mr. Monger** how FWP would collect this boater data.

Mr. Monger replied that boaters, by law, have to be surveyed when they register watercraft. He said he was in favor of continuing the survey of boat owners via the registration bureau in Deer Lodge.

SEN. WELLS wondered if the bills language would allow for continued surveying of boat owners.

Mr. Monger said the department would make a commitment to survey boat owners every other year as boating trends do not change significantly year to year. Language could also be inserted into the bill to address this request, he added.

SEN. JON TESTER asked **Mr. Monger** if changing the bills language would allow the department to have continued flexible revenue spending.

Mr. Monger said he believed that was the intent with emphasis on the survey and not on the expenditure.

SEN. TESTER asked **REP. BRUEGGEMAN** to explain LC 90 within Section 5.

REP. BRUEGGEMAN responded that was a coordinating clause with "the Big Bill."

SEN. SPRAGUE told **Mr. Monger** he was satisfied the committee would determine proper priorities. He wondered if FWP would have to survey to determine where the pressure was coming from.

Mr. Monger said it did not matter where you registered your boat but where you did your boating.

Closing by Sponsor:

REP. BRUEGGEMAN closed by saying he would support the amendment and would leave the fee increase up to legislators.

Discussion:

SEN. SPRAGUE discussed with committee members and **Doug Monger, FWP Parks Division**, the possibility of a committee trip to the Headwaters State Park in conjunction with House, Fish, Wildlife & Parks.

ADJOURNMENT

Adjournment: 4:15 P.M.

SEN. MIKE SPRAGUE, Chairman

ROBERTA OPEL, Secretary

MS/RO

EXHIBIT (fis24aad)